IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12874 of 2000
WITH
CIVIL APPLICATION NO.605 OF 2001

For Approval and Signature:

HON'BLE MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHANT VIKRAMGIRI GURU DEVGIRI
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 12874 of 2000
MR MB GANDHI for Petitioner No. 1
MR HARSHIT DAVE AGP for Respondent No. 1-4
MR JAYANT P BHATT for Respondent No. 5

CORAM : HON'BLE MR.JUSTICE K.A.PUJ

Date of decision: 30/09/2004

ORAL JUDGEMENT

Heard Mr.MB Gandhi, learned advocate appearing for the petitioner, Mr.Harshit Dave, learned Assistant

Government Pleader for respondent Nos.1 to 4 and Mr.Jayant P.Bhatt, learned advocate appearing for respondent No.5.

2. The present petition being Special Civil Application No.12874 of 2000 has been filed by the petitioner challenging the order dtd.10/11/2000. It appears from the plain reading of the impugned order that the said order has been passed without hearing the petitioner and copies of the certain documents referred in the said orders, were not given to the petitioner. This Court is, therefore, of the view that the order suffers from the principle of natural justice.

3. After hearing learned advocates for the respective parties, this Court is of the opinion that the impugned order is required to be quashed and set aside on the ground that it is in violation of principle of natural justice. It is more or less on consensus that the respondents authorities are directed to pass appropriate order on its own merits after hearing the party concerned more particularly the petitioner against whom the impugned order is passed, within a period of thee months from the date of receipt of writ of this order.

4. Since the order of status-quo was granted in this matter during the pendency of this petition, the said order is extended till matter will be decided by the respondents authorities finally.

5. It is made clear that the Court has not gone into the merits of the petition and the petition is allowed merely on the aforesaid ground. It is needless to state that if any adverse order is passed, the petitioner will be at liberty to challenge the same before appropriate forum.

6. With the above observations and directions, this petition stands disposed of. Rule is made absolute to the aforesaid extent only. No order as to cost.

(K.A. PUJ, J.)

Rafik